Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

No. 76-102

In the Supreme Court of the United States

OCTOBER TERM, 1976

FRED E. RINGE, JR., PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

ROBERT H. BORK,
Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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The petition for a writ of certiorari was filed out of time. The order of the Court of Claims (Pet. App. A, pp. 1a-4a) in this civil action was entered on April 23, 1976. The time for filing a petition for a writ of certiorari was not extended and therefore expired on July 22, 1976. 28 U.S.C. 2101(c). The petition was untimely filed on July 23, 1976. Accordingly, this Court lacks jurisdiction over this case. See *Toledo Scale Co.* v. *Computing Scale Co.*, 261 U.S. 399, 417-418.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ROBERT H. BORK,
Solicitor General.

AUGUST 1976.

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